

Atty. Docket No. 156.0001
Appl. No. 09/310,965

PATENT

Please add new claim 22 as follows:

D2 -22. The exercise device according to claim 16, wherein at least a portion of said regulating components are within said lower housing.--

REMARKS

Reconsideration of the Office Action of May 14, 2002 respectfully is requested. This Amendment is in response to that Office Action. Concurrently filed with this Amendment is an Extension of Time and accompanying fee to extend the time of response until September 16, 2002. The fee for the extra claim is also concurrently submitted herewith.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Claim 15 has been amended to explicitly address "a bottom surface" to address the indefiniteness rejection. Applicant submits that this amendment is not narrowing as this element is inherent within the claim. New claim 22 is submitted as reading upon the invention illustrated in Figure 4.

35 U.S.C. §112 rejection

not in the action The Examiner has rejected claims 2 and 15 under 35 U.S.C. §112, *(first)* paragraph. This rejection is respectively traversed.

Applicant is a bit confused regarding the rejection of claim 2, because this rejection was previously made in the first Office Action and withdrawn in the second Office Action. As Examiner may have overlooked this, Applicant respectfully resubmits the discussion from page 10 of the July 9, 2001 Amendment.

"The horizontal plane" is *inherent* and does not require an antecedent recitation, because the gripping area is angled based on the recitation of "a tall upright portion" and "a short upright portion" in claim 1. See MPEP 2173.05(e). Thus, "the horizontal plane" is inherent as existing due to the gripping area being angled and one way to describe such an angle is relative to "the horizontal plane" as was done in claim 2. See, e.g., specification p. 8, lines 6-8, p. 27, lines 15-16.